

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RICHARD ROY SCOTT,

Plaintiff,

v.

WEST DIAZ,

Defendant.

No. MS05-5029

ORDER DENYING MOTION FOR
RECONSIDERATION

This matter comes before the Court on Richard Roy Scott's "Motion for reconsideration." Dkt. # 49. Motions for reconsideration are disfavored in this district and will be granted only upon a "showing of manifest error in the prior ruling" or "new facts or legal authority which could not have been brought to [the Court's] attention earlier without reasonable diligence." Local Civil Rule 7(h)(1). Plaintiff has not met this burden.

In determining whether the proposed complaint filed on March 7, 2006 (Dkt. # 39) complied with the April 5, 2005, order issued by the United States District Court judges who sit in Tacoma, the Court carefully reviewed the docket in C04-5598RBL. The Court found that plaintiff's attempt to withdraw his complaint in that matter was ineffective under Fed. R. Civ. P. 41(a) because defendant had already filed a motion to dismiss and plaintiff therefore needed an order signed by the court to effectuate a dismissal. Judge Leighton did not sign such an order. Rather, the case was dismissed pursuant to the April 5, 2005, Order Adopting Report and

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1 Recommendation as a sanction for plaintiff's litigation abuses. Plaintiff has not shown that the
2 Court's understanding of the record was incorrect or that newly discovered law or facts compel a
3 different result.

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5 For all of the foregoing reasons, plaintiff's motion for reconsideration and
6 sanctions is DENIED.

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8 DATED this 17th day of April, 2006.

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11 Robert S. Lasnik
12 Chief Judge, United States District Court
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